



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Charles Lee Flynn  
Serial No.: 10/759,994  
Filing Date: January 16, 2004  
Title: "ADJUSTABLE PEDAL CONTROLLER WITH OBSTRUCTION DETECTION"  
Examiner: Vicky A. Johnson  
Art Unit: 3682

**TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Petitioner, Dura Global Technologies, Inc., having a principal place of business at 2791 Research Drive, Rochester Hills, Michigan, 48309-3575, represents that it is the assignee of the entire interest in patent application number 10/759,994, filed January 16, 2004, for "Adjustable Pedal Controller with Obstruction Detection", as indicated by the assignment records of the U.S. Patent and Trademark Office at Reel 016894/Frame 0232, and patent application number 09/748,666, filed December 22, 2000, for "Adjustable Pedal Controller with Obstruction Detection", now U.S. Patent Number 6,739,212, issued on May 25, 2004, as indicated by the assignment records of the U.S. Patent and Trademark Office at Reel 011419/Frame 0106.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on patent application number 10/759,994, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156, and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Number 6,739,212. Petitioner hereby agrees that any patent so granted on patent application number 10/759,994 shall be enforceable only for and during such period that it and U.S. Patent Number 6,739,212 are

commonly owned. This agreement runs with any patent granted on the patent application number 10/759,994, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on patent application number 10/759,994 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent Number 6,739,212, as presently shortened by any terminal disclaimer, in the event that U.S. Patent Number 6,739,212 later expires for failure to pay maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has any or all claims cancelled by reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record in patent application number 10/759,994 and is empowered to sign this Terminal Disclaimer on behalf of Petitioner. I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,  
DURA GLOBAL TECHNOLOGIES, INC.



Richard M. Mescher, Reg. No. 38,242  
Attorney for Dura Global Technologies, Inc.  
Porter, Wright, Morris & Arthur  
41 South High Street  
Columbus, OH 43215-6194

November 9, 2006